

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Sections 2.09, 2.10 and 5.00,
Renumber Section 1.71 to 1.70, and Add New Section 1.71,
Title 14, California Code of Regulations
Re: Fishing Methods Restrictions

- I. Date of Initial Statement of Reasons: September 17, 2004

- ## II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: June 24, 2004
Location: Crescent City

- (b) Adoption Hearing Date: December 3, 2004
Monterey

- ### III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations define the term “hook gap”, and restrict hook gap sizes and length of shanks on hooks that anglers may use in rivers and streams within the State. For single hooks the length of the shank is used to limit the size of the hook in rivers and streams. The Sacramento-San Joaquin River Delta (Delta), lakes and reservoirs, and the Colorado River currently are exempt from hook gap or hook size restrictions.

Current regulations specify that for rivers and streams the maximum hook gap size is 3/4-inch. Single hooks do not have a gap restriction but the shank cannot exceed 2 inches. There are no hook-size restrictions for Delta waters.

In addition, current regulations define the northern boundary of the Delta as Highway 80. The use of the term Highway 80 is confusing because it does not specify either Interstate 80 or Business 80. A clear definition of the Delta is important because gear restriction regulations are different for areas within the Delta and areas outside of the Delta. In 2003, the eastern boundary of the Delta was relocated from Highway 99 to Interstate 5 to incorporate more restrictive river and stream gear restrictions in the lower Mokelumne River for the protection of salmon than were contained in Delta waters.

Several Department staff and members of the public have expressed concern for lack of maximum hook size regulations in the Delta, and the use of shank length to define maximum hook size in rivers and streams. The possession of unlimited sizes of hooks is believed to promote illegal salmon snagging activity, and limits the ability of wardens to cite individuals for possessing equipment used for illegal activities.

Because hook-size restrictions to reduce the potential for illegal activity in one fishery may unnecessarily impact traditional methods in other fisheries, the Department convened a workshop with angler representatives, tackle manufacturers and Department staff to discuss modifying current regulations. The goals of these discussions were to clarify and simplify gear restriction regulations, provide protection for fishery resources, and continue to provide traditional fishing opportunities in mixed species fisheries.

As a result of the above workshop the Department is proposing to replace the two-inch maximum shank length for single hooks in rivers and streams with a maximum hook-gap size of one inch. The maximum gap for multiple hooks in rivers and streams remains at 3/4 inch. In the Delta, the Department is recommending a one-inch maximum gap for single hooks and a 3/4-inch maximum gap for multiple hooks. These hook-gap restrictions will eliminate some of the larger hooks used to illegally snag salmon while not impacting the traditional gear used by striped bass and sturgeon fishers.

The Department is also proposing to relocate the definition of the Delta to a separate section within the chapter on definitions, from the current location in Section 5.00, Black Bass. The new location will be easier for the reader to find the Delta definition.

The Department is also proposing to clarify the northern boundary of the Delta by indicating the correct highway names for Interstate 80 and Highway Business 80 instead of Highway 80. The Department is also proposing to relocate the eastern boundary of the Delta from Interstate 5 to its former location, Highway 99, because this proposal contains hook-size restrictions for Delta waters that will provide protection for salmon. In addition, this adjustment will simplify black bass regulations and enforcement while continuing to provide adequate protection for Mokelumne River salmon.

This proposal also includes a recommendation to eliminate an obsolete reference in Section 2.09 that states, "other devices defined in Section 2.10 as unlawful to use". The current and proposed Section 2.10 no longer contains the referenced devices.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, and 220, Fish and Game Code.

Reference: Sections 200, 202, 205, and 220, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None
- (d) Identification of Reports or Documents Supporting Regulation Change: None

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

Dates and Locations of Scheduled Hearings:

Regulation Workshop:	Date:	September 15, 2004
	Location:	Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None
- (b) No Change Alternative: The changes are necessary to clarify the regulations, protect fishery resources, and eliminate unnecessary restrictions.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Actions:

The proposed regulatory actions will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Actions:

The potential for significant statewide adverse economic impacts that might result

from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation clarifies existing regulations, and adds additional fishing gear restrictions to protect salmon and steelhead. These regulations changes are unlikely to have negative impacts on businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (e) Nondiscretionary Costs/Savings to Local Agencies: None

- (f) Programs mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

- (h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

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In addition, current regulations define the northern boundary of the Delta as Highway 80. The use of the term Highway 80 is confusing because it does not specify either Interstate 80 or Business 80. A clear definition of the Delta is important because gear restriction regulations are different for areas within the Delta and areas outside of the Delta. In 2003, the eastern boundary of the Delta was relocated from Highway 99 to Interstate 5 to incorporate river and stream gear restrictions in the lower Mokelumne River. Subsequent investigations by enforcement staff have shown that this boundary change was not necessary.

The Department is proposing to replace the two-inch maximum shank length for single hooks in rivers and streams with a maximum hook-gap size of one inch. The maximum gap for multiple hooks in rivers and streams remains at 3/4 inch. In the Delta, the Department is recommending a one-inch maximum gap for single hooks and a 3/4-inch maximum gap for multiple hooks. These hook-gap restrictions will eliminate some of the larger hooks used to illegally snag salmon while not impacting the traditional gear used by striped bass and sturgeon fishers.

The Department is also proposing to relocate the definition of the Delta to a separate section within the chapter on definitions, from the current location in Section 5.00, Black Bass. The new location will be easier for the reader to find the Delta definition. The current Section 1.71 requires renumbering to Section 1.70 but is otherwise unchanged. The new Section 1.71 will contain the Delta definition.

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